

REMARKS

1. **Disposition of the Claims**

A detailed listing of all claims that are or were in the application, irrespective of whether the claims remain under examination in the application, is presented with an appropriate status identifier.

Claims 1-4, 6-11, and 23-38 are pending. Claim 1 is currently amended. Claim 6 is cancelled. Upon entry of this amendment, claims 1-4, 7-11, and 23-38 will be pending.

2. **Information Disclosure Statement**

An information disclosure statement is being filed with this response as requested by the Examiner for Teri et al. Journal of Gerontology, Psychological Sciences, 1991, vol. 46, pp. P372-P377.

3. **Obviousness Type Double Patenting Rejections**

The Office rejects claims 1-4, 7-10, and 23-38 on the ground of nonstatutory obviousness-type double patenting over claims 2-7 of U.S. Patent No. 6,140,357. Office Action, p. 5, section #10. The Office further rejects claims 1-4, 7-11, and 23-38 on the ground of nonstatutory obviousness-type double patenting over claims 8-11, and 14-18 of U.S. Patent No. 6,331,537 in view of Merriam Webster's Collegiate Dictionary. Office Action, p. 7, section #11.

Both rejections relate to the subject matter of "treating memory impairment". Office Action, pp. 5 and 7, last paragraph of each.

Claim 1 has been amended to delete "or treating memory impairment," thus rendering moot these grounds of rejection. The Applicants respectfully request withdrawal of the obviousness-type double patenting rejections.

4. Claim Rejection – 35 U.S.C. § 112, second paragraph

The Office rejected claims 1-4, 6-8, 23-38 for indefiniteness. Office Action, p. 8, section #13.

Claim 1 has been amended and the term “isostere” is now clearly defined by reference to specific moieties. Applicants submit that the amendment obviates this ground of rejection.

5. Claim Rejection – 35 U.S.C. § 112, fourth paragraph

The Office rejects claim 6 under 35 U.S.C. 112, fourth paragraph. Office Action, p. 9, section #15. Claim 6 is now canceled and the subject matter thereof has been added to claim 1 in the alternative. Applicants respectfully submit this amendment obviates the rejection and request withdrawal thereof.

6. Claim Rejection – 35 U.S.C. § 102(e)

The Office rejects claims 1-2, 7-11, and 23-38 as being anticipated by Hamilton et al. U.S. 6,331,537. The Office points to the disclosure of treating vision disorders in the ‘537 patent in column 8, line 66 to column 14, line 33 and also column 28, line 57 to column 37, line 46 to support this rejection.

The Applicants note that the portions of the ‘537 cited by the Examiner related to treating vision disorders and improving vision are not supported its priority applications. The ‘537 patent is a continuation-in-part of Application No. 09/204,237, filed on December 3, 1998, which claims priority from Provisional Application 60/087,788, filed June 3, 1998. Applicants have found no disclosures in either priority document of treating vision disorders. Therefore the earliest date that these teachings can be afforded is December 2, 1999, which is the filing date of Application No. 09/453,571 that matured into the ‘537 patent.

The earliest priority date of the instant application is August 14, 1998. This means that the ‘537 patent is disqualified as prior art under § 102(e) with regard to its teachings related to treating vision disorders and improving vision. Therefore, the Applicants respectfully request withdrawal of this rejection.

If the Office maintains this ground of rejection, Applicants respectfully request that the Office point to specific passages in the '237 and '788 applications disclosing the relevant subject matter.

7. **Claim Rejection – 35 U.S.C. § 103(a)**

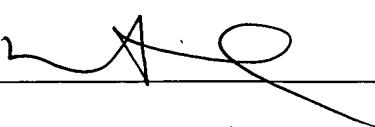
The Office rejected claims 1-4, 6-11, and 23-38 as being unpatentable over Hamilton et al. U.S. 6,331,537 in view of Merriam-Webster's Collegiate Dictionary. Claim 1 has been amended to delete "or treating memory impairment," thus rendering moot this ground of rejection. The Applicants respectfully request withdrawal of the obviousness rejection.

Applicants believe that this response would place this application in condition for allowance. Accordingly, entry of the response and reconsideration is respectfully requested. The Examiner is invited to contact the undersigned by telephone if he feels that a telephone interview would advance the prosecution of this application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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By 

FOLEY & LARDNER LLP
Customer Number: 29728
Telephone: (202) 295-4059
Facsimile: (202) 672-5399

Rouget F. Henschel
Attorney for Applicant
Registration No. 39,221